



The Commonwealth

**Sri Lanka Presidential Election  
16 November 2019**

**Preliminary Statement by Prosper Bani  
Former Minister of Interior, Ghana  
Chair of the Commonwealth Observer Group**

Members of the media, ladies and gentlemen.

Thank you for coming to this Commonwealth Observer Group Press Conference.

The Commonwealth is honoured to have been invited by the Election Commission of Sri Lanka to stand in solidarity with the people of Sri Lanka through this significant election.

Our Group, which was constituted by the Commonwealth Secretary-General, Patricia Scotland, comprises experts drawn from the political, legal, civil society and electoral fields across various Commonwealth regions. We arrived in Colombo on 10 November and will depart on 22 November 2019.

Our preliminary findings will be shared in the following manner: We will first provide our key findings on the pre-election environment, after which we will focus on our observations on Election Day. Finally, we will share our reflections on the post-election environment.

This approach is in line with our mandate as underscored in the arrival statement we issued on 11 November 2019.

Let me state that in accordance with this mandate, we are assessing this election according to the national, regional, Commonwealth and international values and standards to which Sri Lanka has committed itself.

Our final report will be submitted to the Commonwealth Secretary-General and will afterwards be made available to the Government of Sri Lanka, political parties, the Election Commission and the public.



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I commend the people of Sri Lanka for the largely peaceful and orderly manner in which they cast their vote on 16 November 2019. I also wish to acknowledge the Election Commission for its efficient conduct of the polls across the country.

Sri Lanka's long tradition of conducting elections was evident in this well-managed process.

Once again, by voting in significant numbers, with an impressive turnout of 84%, citizens of Sri Lanka have taken a clear stand on democracy, a fundamental Commonwealth value.

However, these elections have raised some issues which highlight areas for improvement:

A credible democratic process is an inclusive one where every citizen's right to participate freely and safely is guaranteed. I urge the people of Sri Lanka and their leaders to improve on the inclusivity of future elections.

This country's rich cultural and religious diversity is to be celebrated and valued. We urge all political leaders to prioritise social cohesion and inclusion.

## **The Pre-Election Environment**

Since our arrival in Colombo, we have had the opportunity of meeting a range of stakeholders including political parties, civil society and media representatives, the police, the Election Commission and members of the diplomatic community.

On 14 November, members of our Group were deployed to six provinces, where they engaged with local stakeholders: Central, Eastern, North, North Central, Southern and Western Provinces.

We were encouraged to hear that although there were some incidents of violence, the campaign environment was largely peaceful: The fundamental freedoms of association, expression, assembly and



movement were broadly respected, and political parties were generally able to freely convey their messages to their supporters.

The restrictions on displaying handbills and posters of candidates, outlined in Section 74 of the Presidential Elections Act, No 15 of 1981, were widely respected. We observed that the display of campaign materials was minimal. While noting the positive impact of this regulation on the environment, we encourage the continued use of alternative forms of disseminating campaign messages to supporters in a manner that reaches and respects all communities.

We note, however, that some of the recommendations offered by previous Commonwealth Observers which would improve the campaigns remain relevant. One is the need for mechanisms to regulate campaign finance in order to ensure transparency, accountability and an even playing field.

We further noted ethnic and religious tensions that characterised aspects of the pre-election environment. We observed that some groups experienced fear and intimidation.

We urge all citizens and political and community leaders to prioritise unity, and to demonstrate the values of respect and tolerance in political life.

In this regard, another issue of concern was the use and promotion of hate speech through private media, as well as on social media platforms, to conduct campaigns, including well after the 48 hours deadline.

We note that for this election, the Election Commission was empowered to regulate public media through a set of media guidelines. However, it appeared that private media was largely unregulated. We recommend that ahead of the next election, both private and public media are independently regulated through a legal framework. We will elaborate on this issue in our final report.

Another issue which we will expand on in our final report is the low participation of women in politics, including as candidates in Sri Lanka. For this election, only one out of the 35 presidential candidates was female. Sri Lanka has already made significant progress by introducing



a 25% quota at the local government level. We echo the recommendation of the 2015 Commonwealth Observer Group encouraging the consideration of affirmative legal measures to ensure increased participation and representation of women in politics at the national level.

We were also concerned about the incidents of violence against women during the campaign period. We urge women's groups, civil society, political parties and leaders in parliament, the judiciary, and the entire criminal justice system, to work together to promote and protect the rights of women.

## **Election Day**

### ***Eve of elections and the poll***

On the eve of elections, we witnessed preparations for the polls including the setting up of polling stations, the collection and distribution of polling materials, and allocation of duties by presiding officers. Polling officials assured our teams of their readiness to conduct the elections on 16 November 2019. Police officers assigned to various polling stations were already at post.

While the environment before and during the poll was generally peaceful, we were concerned to hear about incidents of violence, in particular, an attack on a convoy of buses transporting Muslims to vote in the northern part of the country. We strongly condemn this and all other such incidents of intimidation and violence targeted at particular groups.

Turning to the polls, polling stations opened on time, opening procedures were adhered to, and signage providing relevant instructions to voters were visibly displayed.

In some cases, the polling station layout, including space constraints, did not always guarantee the secrecy of the ballot. However, we did not encounter any incidents where there was a deliberate attempt to take advantage of this situation. We encourage the Election Commission to



review the layout of polling stations for future elections to ensure the secrecy of the ballot is guaranteed.

We were impressed by the confidence and professionalism of polling officials, a significant number of whom were women. We commend the inclusion of women throughout the administration of elections in Sri Lanka.

Polling officials granted priority voting to vulnerable groups and provided assistance as required. We noted that in a few cases, in rendering such assistance, particularly to unaccompanied persons with disabilities and the elderly, the secrecy of the ballot was vulnerable to compromise.

Additionally, while the law provides some access for persons with disabilities and the elderly, we recommend the improvement of physical access to polling stations.

Voters' identification was properly checked when voters entered the polling station. Party agents present had access to hard copies of the register, which they checked as the voter's identification was announced.

Voters were inked and provided with a ballot paper before proceeding to vote.

We observed good cooperation between the assigned police officers and polling officials throughout the voting process. Generally, the polling stations were organised.

We noted the efficient manner in which polling officials processed high numbers of voters: We found very few long queues, given the significant numbers of registered voters per station (up to over 2,000 in some cases), and the 26-inch-length of the ballot paper which featured 35 presidential candidates.

In the polling stations where we were present, there were no voters in queues at the close of polls at 1700hrs.



Throughout the day, we interacted with citizen observers. We commend the role of civil society in contributing to inclusive democratic processes in Sri Lanka.

## ***Closing and counting procedures***

Polling officials generally adhered to the closing procedures. In full view of the police, polling staff, party agents, and observers, polling officials finalised reports. Ballot boxes were sealed and secured, placed in a transparent bag which was further secured with a tamper-proof cable tie, and subsequently transported to the counting centres. The Senior Presiding Officers' reports were attached to the boxes.

The reception of the ballot boxes at the counting centres was largely smooth. Party agents, citizen and international observers were present. Counting officials generally followed the procedures outlined in Sections 47 to 65 of the Presidential Elections Act, and further elaborated in the instructions issued by the Election Commission.

Counting was conducted according to the three stage process involving: verification of ballot papers; sorting and counting ballot papers received by each candidate; and counting the 2<sup>nd</sup> and 3<sup>rd</sup> preferences.

We observed collegial collaboration between Counting Officers and party agents, especially in determining and agreeing on rejected ballots.

We further observed that in a significant number of cases, voters did not indicate the 2<sup>nd</sup> and 3<sup>rd</sup> preferences, pointing to a need for greater voter education on this aspect in the future.

Overall, the voting and counting process was transparent, peaceful and well organised. We commend the Election Commission for the smooth conduct of the polls and the competence demonstrated by the polling officials.

## **Post-Election and the Results Process**

In a number of cases, counting continued throughout the night and into the morning of 17 November 2019.

The change of personnel for counting is good practice as it eliminates the risk of human errors from tired officials who would have been involved in the preceding voting process.

I had the privilege of personally visiting the Election Commission's headquarters in Colombo where I was shown the impressive teams, structures and mechanisms in place for receiving and addressing complaints, receiving the results from counting centres by fax (and by WhatsApp), and for results tabulation and dissemination to the media.

Notably, accredited political party agents and civil society representatives were allowed to observe the results process.

We commend the efficiency and transparency of the results process. This includes including the timely release of results within 24 hours of the close of polls complemented by the dissemination of verified and official results in real time to the media.

We wish to commend the Election Commission, Voters, Political Parties, Civil Society, religious leaders, [you] the media, and all stakeholders for the constructive role they have played in ensuring a peaceful, credible, and transparent election.

As I said at the outset, we urge all stakeholders to work together to improve the component of inclusivity in political life: every citizen's right to participate freely and safely in the electoral process should be guaranteed in future elections.

Sri Lanka's rich cultural and religious diversity is to be celebrated and valued. We urge all political leaders to prioritise social cohesion and inclusion.

Through this election, the people of Sri Lanka have once again demonstrated their commitment to the Commonwealth's fundamental values of democracy. We urge the country's new leadership to promote and protect these values for all citizens.



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**Note to Editors**

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